

IV. REMARKS

1. Claims 1, 5 and 8 are amended. Claims 16-18 are cancelled without prejudice. Claims 1, 2, 4-15 and 19-32 are pending in this Application.

2. The specification is amended to overcome the objection.

3. Claim 1 is amended to overcome the objection.

4. Claims 5 and 8 are rewritten in an independent form and should now be allowable as indicated by the Examiner. Claims 6 and 9-15 are also allowable at least because of their respective dependencies.

5. Claims 1, 2, 4, 7, 19-24 and 26-32 are patentable under 35 U.S.C. 103(a) over Applicant's prior art in view of Tiedemann, Jr. et al, U.S. Patent No. 5,940,761 ("Tiedemann"). Claim 1 recites in part, the terminal will "send to the base station a cell change failure message instead of attempting a cell change." The combination of Applicant's prior art and Tiedemann does not suggest or disclose sending a cell change failure message to a base station instead of attempting a cell change.

Applicant's invention describes a TDMA based multiple access service network. Only defined time slots for each mobile terminal or cell phone ("terminal") are allowed to receive or transmit in the TDMA system. Therefore, the timing information is a primary condition for a successful handoff from one cell to another. As disclosed by Applicant in the Background section of the present Application, the terminal makes neighbour cell measurements in time slots not used for data transfer between that particular terminal and the serving base station. These measurement results are transmitted to the base station. On the

basis of the received measurement results the base station gives a cell change command to the terminal, which the terminal has to obey. This is often called a handoff. If the timing information is not at hand or is false, the handoff cannot succeed which means the call is dropped. There is no suggestion or disclosure in the prior art disclosed by Applicant of replacing "attempting a cell change" with a "cell change failure message" as recited in claim 1 of the present Application. Thus, claim 1 is patentable over Applicant's prior art.

Tiedemann discloses a CDMA based, multiple access service network. In a CDMA based network any terminal can continuously and simultaneously be connected to several base stations. This allows the terminal to send or receive messages to several base stations and also measure received power levels of all said base stations simultaneously. Tiedemann discloses two embodiments that disclose handoffs in a CDMA system. In the first embodiment, the base station sends a handoff command to the terminal and the terminal makes a cell change attempt immediately by measuring the power levels of nearby base stations (col. 8, line 58 - col. 9, line 27). If the attempt does not succeed, the terminal returns to the original base station (col. 9, lines 28-38). Nowhere is it disclosed or suggested that "attempting a cell change" is substituted by a "cell change failure message" as recited in Applicant's claim 1.

The second embodiment in Tiedemann discloses dividing a cell change attempt in two different steps (col. 9, line 39 - col. 10, line 37). The base station first sends to a terminal an extended list of base stations (col. 9, lines 39-42). The terminal then makes neighbour cell measurements with the base stations in the extended list (col. 9, lines 44-49). The

measurement results of the terminal are then transmitted back to the base station (col. 9, lines 50-54). The base station uses the measured results from the terminal to generate a second base station list which is called an Active Set list (col. 9, lines 60-64). This Active Set list is sent back to the terminal, which then tries to acquire the base stations in the Active Set list. If acquisition of the base stations in the Active Set list is successful, the terminal can make a handoff to one of the base stations in the Active Set list (col. 9, line 66 - col. 10, line 4). If the handoff is not possible, the terminal returns to the original base station (See Abstract). This kind of failure is possible because the movement of the terminal can cause an effect that attenuates a certain base station very quickly. As such, in the second embodiment of Tiedemann, where the base station gives an actual cell change command, the options of the terminal are either to make the cell change or return to the original base station. Nowhere is it suggested or disclosed that "attempting a cell change" be replaced by a "cell change failure message" as recited in claim 1 of the present Application.

Since neither Applicant's prior art nor Tiedemann, disclose a method where a "cell change failure message" replaces actually "attempting cell change", their combination cannot as well. In Applicant's prior art and in Tiedemann, it is evident that only a cell change attempt is possible. Thus, a person skilled in the art would not be motivated to combine Applicant's prior art with Tiedemann to achieve what is claimed in Applicant's claim 1. Accordingly, claim 1 is patentable over the combination of Applicant's prior art and Tiedemann.

Claims 19, 22, 29 and 31 contain limitations similar to that in claim 1 and are patentable over the combination of Applicant's prior art and Tiedemann for similar reasons. Claims 2, 4, 7, 20, 21, 23, 24, 26-28, 30 and 32 are patentable at least by reason of their respective dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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26 AUGUST 2005
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